

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

PURNELL WILLIAMS and ANGELA
WILLIAMS,

Plaintiffs,

v.

CHRISTOPHER SHORT, et al.,

Defendants.

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1:23-CV-496-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Plaintiffs' complaint pursuant to 28 U.S.C. § 1915(e), 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. (R. & R., Dkt. 16). In his report and recommendation, Judge Howell recommends that the Court dismiss this action pursuant to 28 U.S.C. § 1915(e)(2)(B). (*Id.* at 2). Plaintiffs timely filed objections to the report and recommendation. (Objs., Dkt. 20).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. 28 U.S.C. § 636(b). Because Plaintiffs timely objected to the report and recommendation, the Court reviews the report and recommendation de novo. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiffs' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 16), is **ADOPTED**. Plaintiffs' claims against TSCO, the Austin Municipal Court, Judge McNelis, the Travis County District Attorney's Office, and Assistant

District Attorney Elizabeth Whited are **DISMISSED WITH PREJUDICE**. Plaintiffs' claims under the False Claims Act are **DISMISSED WITHOUT PREJUDICE**. Plaintiffs' claims against TCSO Detective Short in his official capacity and for defamation are **DISMISSED WITH PREJUDICE**. Claims related to the Fourth Amendment prohibition are **DISMISSED WITHOUT PREJUDICE**.

The Court will enter final judgment by separate order.

SIGNED on August 25, 2023.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE